

United States District Court

District of Nebraska
111 S. 18th Plaza, Suite 2210
Omaha, Nebraska 68102-1322

Michael D. Nelson
United States Magistrate Judge

Phone 402.661.7410
Fax 402.661.7413

January 16, 2018

Re: *Acosta v. Little Squirrels Childcare Center, LLC et al*
Case No. 4:17cv3126

Counsel:

This case was randomly assigned to Magistrate Judge Michael D. Nelson for full disposition.

Consent Deadline; Rule 26(f) Planning Report Deadline

Since consent to disposition of this case by a magistrate judge must be unanimous, see 28 U.S.C. § 636(c)(2), each party is required to notify the Court whether they consent to such assignment or opt to have the case reassigned to a district judge of the Court. Part IV of the revised Form 35 (“Rule 26(f) Report”) addresses the issue of consent. If all parties consent, the case will remain with the undersigned magistrate judge, pursuant to 28 U.S.C. § 636(c)(1). If all parties do not consent, the case will be reassigned to a district judge, and a magistrate judge will handle all nondispositive pretrial matters.

The court expects the parties to file the completed Form 35 (“Rule 26(f) Report”), including the parties’ preferences as to consent, on or before **February 15, 2018**.

With rare exceptions, special trial settings in this district are only provided when the parties consent to trial by magistrate judges. District judges’ trial schedules are subject to “bumping” for criminal cases requiring trials under the Speedy Trial Act. Magistrate judges routinely provide specially-set jury and non-jury trials.

Meet and Confer Obligations

Rule 26(f) of the Federal Rules of Civil Procedure requires the parties to meet and confer and provide to the court a report of their conference. Please use the revised Form 35 (“Rule 26(f) Report”) posted on the court’s website, www.ned.uscourts.gov/forms/, which provides an agenda for the parties’ initial conference. Counsel for the plaintiff(s) should initiate the scheduling of this conference. If the parties are agreeable, the conference can occur by telephone.

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Initial Progression Order and Status Conference

Relying upon the report provided by counsel, the magistrate judge will enter an initial progression order which will set deadlines for initial disclosures and authorize the commencement of discovery. Approximately 90 days into the case, the magistrate judge will hold a status conference, in which counsel will be required to participate, in person or by telephone. The initial progression order will contain a setting of this status conference.

At the status conference, the court will ensure that the initial disclosure requirements have been met. The parties will be expected to have named all known lay witnesses and identified expert witnesses, even though disclosure of full reports may not yet have occurred. The court will rule on any outstanding discovery disputes. The parties will be expected to discuss and schedule the disclosure of expert witness reports and filing of summary judgment motions. The court will explore the possibilities for mediation. The parties will be expected to have discussed settlement with their clients and obtained authority in advance of the status conference. A final progression order will be established. Finally, the case will be scheduled for trial for a week certain before the assigned district judge or magistrate judge. Based upon the trial schedule, a final pretrial conference date will be set, as well as a date for the formal close of all discovery.

Electronic Filing

Finally, all documents (including pleadings, briefs, and indices) filed or submitted to the District Court for the District of Nebraska must be filed electronically. To obtain registration forms, review the CM/ECF administrative procedures, and to learn more about electronic filing, please visit the court's web site at www.ned.uscourts.gov. You may also direct questions to our CM/ECF Help Desk: in Omaha at 1-866-220-4381, Option 0; or in Lincoln at 1-866-220-4379, Option 2.

Thank you for your prompt attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Nelson", written over a horizontal line.

Michael D. Nelson
United States Magistrate Judge